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Human rights situations that require the Council's attention

Summary report on the high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to resolution 36/20 of the Human Rights Council, in which the Council decided to convene, at its thirty-seventh session, a high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic, and requested the Office of the United Nations High Commissioner for Human Rights to submit to the Council, at its thirty-eighth session, a summary report on the discussion.

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I. Introduction

1. In its resolution 36/20, the Human Rights Council decided to convene, at its thirty-seventh session, a high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic, in consultation with the Independent International Commission of Inquiry on the Syrian Arab Republic, with a specific focus on attacks against children, including attacks on schools and hospitals and denial of humanitarian access. The Council asked that the discussion feature witness testimony and Syrian voices, including children's views, through appropriate and safe means. The Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a summary report on the high-level panel discussion for submission at its thirty-eighth session.

2. Pursuant to the resolution, the Human Rights Council held the high-level panel discussion on 13 March 2018, during its thirty-seventh session.

3. The President of the Human Rights Council, Vojislav Šuc, chaired the panel discussion, and opening statements were delivered by the United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, and the Regional Humanitarian Coordinator for the Syrian crisis, Panos Moumtzis.

4. The panel was moderated by Gunilla von Hall, foreign correspondent in Geneva for the Swedish newspaper *Svenska Dagbladet*. The panellists were a co-founding member of Hurras Network (a Syrian child protection network), Alaa Zaza; the Director of Children of One World, Haysam Osman; and lawyer and co-founder of Urnammu for Justice and Human Rights, Ibrahim Alkasem.

II. Opening statements

5. The United Nations Deputy High Commissioner for Human Rights reminded participants that the conflict in the Syrian Arab Republic had started with the denigration of a child, referring to the detention and torture of 13-year-old Hamza Ali al-Khateeb, in 2011. The conflict was not only denying millions of children their fundamental rights, but it was also robbing them of their childhood. Nearly two thirds of the 8.35 million children in the Syrian Arab Republic required humanitarian assistance, with more than 1 million living in hard-to-reach areas and 170,000 in besieged areas. An entire generation of Syrians was making the journey from childhood to adulthood cowered by unending bombardment, under the shadow of constant violence, living in permanent fear, and deprived of basic goods and services. The Deputy High Commissioner referred to the deprivation of the right to education and health experienced by children in the Syrian Arab Republic.

6. Prolonged high-intensity conflict across the Syrian Arab Republic in 2017 had resulted in the highest verified number of grave violations against children since 2012. Widespread human rights violations and violations of international humanitarian law affecting children had been committed by the Syrian authorities and by armed groups. The scale, scope and gravity of crimes committed against children were shocking.

7. Homes, ambulance bases, hospitals and schools had been ruthlessly targeted by all parties to the conflict, even though under international law they should be sanctuaries for children. The catastrophic humanitarian situation in the country underscored the failure of the international community to protect civilians, most notably children. The Deputy High Commissioner asked how many children would die in the current year and how much longer the international community would tolerate the intolerable suffering of children in the Syrian Arab Republic.

8. The Deputy High Commissioner ended her statement by stressing the importance of the accountability of all parties to the conflict. In that regard, she called upon the Human Rights Council to renew the mandate of the Commission of Inquiry and called upon States to support the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under

International Law Committed in the Syria Arab Republic since March 2011. She also called for the referral of the situation in the Syrian Arab Republic to the International Criminal Court.

9. The Regional Humanitarian Coordinator for the Syrian crisis stressed that 40 per cent of the 13.1 million people in the Syrian Arab Republic requiring protection and assistance were children. Of the 5.6 million people in acute need, 663,000 were under 5 years old. The protection of civilians in the conduct of hostilities remained a critical concern. In that regard, the Regional Humanitarian Coordinator noted that Eastern Ghouta had been besieged for five years and that families had been sheltering in overcrowded basements, not knowing if they would survive another day. Children had been subjected to an unprecedented level of indiscriminate violence, causing long-lasting psychological trauma.

10. The Regional Humanitarian Coordinator stated he had been appalled by the reports of ongoing major violations of children's rights issued by the monitoring and reporting mechanism on grave violations against children in situations of armed conflict established by the Security Council, the Commission of Inquiry, OHCHR and others. In 2017, the number of reports of violations of children's rights in the context of the conflict, perpetrated by all sides, was the highest since the beginning of the conflict, and 2017 had been the deadliest year of the war for children. The monitoring and reporting mechanism had verified that at least 910 children had been killed and 361 injured, with a large majority of child casualties occurring in Idlib, Aleppo, Dayr al-Zawr and other locations.

11. The monitoring and reporting mechanism had verified 168 attacks on hospitals and medical personnel in 2017. Those attacks, which severely undermined the delivery of health services, had a disproportionate impact on the lives of children. In any other country, an attack on a hospital would cause outrage and spark calls for action and accountability, while in the Syrian Arab Republic more than 100 such attacks had taken place in one year alone, with no end in sight.

12. The recruitment of children and their use in armed conflict by all parties continued to increase. In 2017, the recruitment of children as combatants under the age of 15 — prohibited under international humanitarian law and constituting a war crime — represented 25 per cent of recruitment cases involving boys and girls. Out of every 10 recruited children, 9 served in a combat role in uniform, armed and with military training.

13. The Regional Humanitarian Coordinator underlined the importance of unimpeded and sustained humanitarian access, stressing that the challenge was more significant than ever. The United Nations and its partners in the Syrian Arab Republic focused on reaching those most in need across the country, namely the 2.9 million men, women and children living in hard-to-reach areas, including over 400,000 people — half of whom were children — in besieged locations. Cross-line assistance into hard-to-reach and besieged areas had almost totally collapsed due to the refusal of the Government of the Syrian Arab Republic to grant the necessary approval to access those areas. Consequently, Syrian people would soon die more from starvation and disease than from bombing and shelling.

14. The Regional Humanitarian Coordinator emphasized that protection of civilians was central to the humanitarian response in the Syrian Arab Republic, and remained the most challenging aspect of the humanitarian agenda. He called on all Member States to leverage any influence they had to stop violations against children, noting that even in the midst of a high-intensity armed conflict, there were solutions to ensure all parties would comply with their international obligations and protect children. He concluded by calling on belligerents and their influencers to put the protection of children first.

III. Contribution of the panellists

15. In her introductory remarks as moderator of the panel, Ms. von Hall shared stories from her travels to the Syrian Arab Republic as a journalist. She spoke about two children she had met: Hala, an 8-year-old girl, had sustained burns on 70 per cent of her body and had been completely disfigured when a bomb fell on her home in Aleppo; Hozaifa, a 17-

year-old boy, was paralysed from the waist down, having been hit by a bomb on his way home from school, in Idlib. While those children had a long road to recovery, they were lucky because they had survived, which was not the case for many children in the Syrian Arab Republic. Ms. Von Hall had recently spoken to a man in Eastern Ghouta who was hiding in a basement with his six children. He had told her he had only one message to the world: "We do not primarily want food and medicine. We just want you to stop this war machine. Stop it now."

16. In his intervention, Mr. Zaza highlighted the gravity of the escalating situation in Eastern Ghouta, which had been besieged for several years by the Government of the Syrian Arab Republic and its allies. The population had been starved and deprived of basic goods due to the denial of humanitarian access, despite resolutions issued by the Security Council. Civilians, including 115,000 children, had been systematically and indiscriminately targeted in that area. Heavy and long-lasting bombing of civilians had previously been carried out in other locations in the Syrian Arab Republic, notably in order to force the population to negotiate a forced displacement deal, which had led to the displacement of 3 million children. Mr. Zaza deplored the fact that the recent brutal attacks in Eastern Ghouta had halted efforts at maintaining education for children living there: five schools had been attacked in the first week of February 2018 alone.

17. Mr. Zaza also deplored the failure of the institutions responsible for protecting civilians and children, noting that the larger the crisis, the more paralysed the institutions. The gravest humanitarian crisis since the beginning of the century could not be tackled without challenging the entire humanitarian system. In that respect, he called for real action, "revolutionary" approaches and a new humanitarian system. He also called for a new justice system through which perpetrators would be held accountable. He conveyed the words of a colleague of his trapped in besieged Eastern Ghouta, who considered the veto at the Security Council as a tool allowing the perpetration of war crimes of the modern age. Mr. Zaza added that not only fear and hatred were growing in the Syrian Arab Republic; the Syrian people were rejecting war and calling for justice and peace.

18. In conclusion, Mr. Zaza posed several questions to the international community, appealing for real answers about the collective action that would be taken to address another chemical attack, the persistence of besiegement and further school attacks, and to bring perpetrators to international justice.

19. Mr. Osman stressed that the gross violations of child rights in the Syrian Arab Republic, committed by all parties to the conflict, had resulted in countless deaths and injuries. According to the Syrian Network for Human Rights, some 27,000 children had been killed since the beginning of the conflict. His organization had documented human rights violations against children and conducted capacity-building activities on children's rights for civil society.

20. Weapons prohibited under international law had been used against civilians. With regard to the use of chemical weapons, he cited the report of the Commission of Inquiry (A/HRC/36/55), in which the Commission had indicated that 54 per cent of the 179 individuals killed by chemical weapons in April 2017 were children. The recruitment and use of children by armed groups was another serious type of violation against children. The military intervention of international forces in the conflict, and the weapons they used, was further exacerbating the risks faced by recruited children.

21. Referring to a report of the Secretary-General on children and armed conflict (A/72/361–S/2017/821), Mr. Osman noted that grave violations against children had been committed by the Government, even though the Syrian Arab Republic was a party to the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict. He also noted that, in the same report, the Secretary-General had described grave violations perpetrated by armed groups against children, including abductions.

22. Mr. Osman reported that 1.5 million school-aged children in the country were deprived of education, explaining that attacks on schools and education infrastructure were one of the main reasons why children were dropping out of school, in addition to the lack of education material and the absence of teachers.

23. Mr. Osman called on the international community, including the Security Council, to provide support for justice and accountability initiatives, including for the Commission of Inquiry and the International, Impartial and Independent Mechanism for the Syrian Arab Republic, and urged the initiation of criminal proceedings against those responsible for crimes.

24. Mr. Osman provided suggestions on concrete ways to safeguard child rights. He called for the cessation of attacks against schools and hospitals; the protection of humanitarian workers; the development of rehabilitation programmes for disabled children; and reinforcement of the education system. He also called for engagement with parties to the conflict with a view to obtaining their commitment to prevent the recruitment of child soldiers.

25. Mr. Alkasem described the conditions of detention of children and their treatment by Syrian authorities and armed groups. Arbitrary detention and enforced disappearance had been perpetrated by the Government of the Syrian Arab Republic for decades, and had increased in reaction to the 2011 uprising. Children had not been spared from arbitrary arrest and detention and faced torture, inhuman and degrading treatment similar to that endured by adults. Many children died in detention. The fear and trauma experienced by the children and their families were exacerbated by the impunity enjoyed by the perpetrators.

26. Mr. Alkasem outlined the conclusions of a report produced by his organization on enforced disappearance and detention of children. Children faced unbearable psychological and physical torture, including sexual violence. They were separated from their parents and detained with adults; used as witnesses against their own parents; forced to make false testimonies; accused of terrorism; and subjected to special courts. Most children in detention were between 13 and 18 years old. The conditions of detention were appalling, particularly in military detention facilities, and children were deprived of basic necessities, including food and access to health care.

27. When detained by armed groups, children would be accused of apostasy and spying on behalf of the Government or foreign intelligence agencies. Islamic State in Iraq and the Levant (ISIL) subjected children to sexual slavery, with girls being forcibly married to ISIL members, while boys were instilled with ISIL ideology and subjected to military training.

28. Fearing social stigmatization or reprisals, children would agree to report on human rights violations and abuses as witnesses, but not as victims, and such cases were consequently not documented. Ensuring accountability for human rights violations was a cornerstone for the rehabilitation of Syrian society. Mr. Alkasem called on the international community to assume its responsibility to ensure the protection of children in the Syrian Arab Republic. He recommended documenting cases of enforced disappearance, identifying burial sites and creating a DNA database for children separated from their families. He urged the Human Rights Council to remain seized of the matter of human rights violations of children in the Syrian Arab Republic. In conclusion, Mr. Alkasem emphasized the urgent need to protect children in order to spare them the terrible fate of those who had died in detention.

IV. Summary of the discussion

29. During the interactive phase of the panel discussion, the following delegations, listed in order of intervention, spoke: Iceland (on behalf of the Group of Nordic Countries), the United Kingdom of Great Britain and Northern Ireland (on behalf of itself and France, Germany, Italy, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Turkey and the United States of America), the European Union, Croatia (on behalf of itself, Austria and Slovenia), Ireland, Israel, France, Estonia, Belgium, Switzerland, Saudi Arabia, Slovakia, Australia, the Islamic Republic of Iran, Maldives, the United States and Bahrain.

30. The following non-governmental organizations (NGOs) contributed to the discussion: the Commission of the Churches on International Affairs of the World Council of Churches; United Nations Watch; the International Organization for the Elimination of All Forms of Racial Discrimination; the Conseil International pour le soutien à des procès

équitables et aux Droits de l'Homme; the International Human Rights Association of American Minorities, and the Indian Movement "Tupaj Amaru".

Interventions by representatives of States

31. Recalling that seven years had passed since the beginning of the conflict, many representatives of States expressed their grave concern about the particularly horrific impact the conflict had on children, including on their future, noting that children remained disproportionally vulnerable to violence. Some noted that the Syrian Arab Republic had been depicted as the most dangerous country in the world to be a child.

32. Many representatives strongly condemned the deliberate and indiscriminate targeting of civilian infrastructure, including schools and hospitals. They urged all parties to the conflict to respect international humanitarian law.

33. A number of representatives called for the full and immediate implementation of Security Council resolution 2401 (2018), in which the Council had demanded that parties to the conflict cease hostilities and enable the safe, unimpeded and sustained delivery of humanitarian aid and services and medical evacuations of the critically sick and wounded. They deplored the obstruction of humanitarian access. Some representatives stressed in particular the alarming and significant deterioration of the humanitarian situation in Eastern Ghouta.

34. Many representatives deplored that children in the Syrian Arab Republic suffered from multiple human rights violations, emphasizing that those would have long-term detrimental consequences, including physical and psychological trauma. Some representatives observed that almost half of the internally displaced persons in the country were children. Some noted that severe malnutrition was acute, particularly in besieged and hard-to-reach areas.

35. Many representatives deplored violations of the right to education resulting from the targeting of schools, pointing out that such violations would affect the future of the country. They called for schools to remain open and to be safe places for children.

36. Many representatives condemned the recruitment of child soldiers, and some stressed the need for rehabilitation and reintegration programmes for children affected by forced recruitment.

37. Several State representatives stressed that those responsible for violations and abuses of international law should be held accountable.

38. Some representatives underscored the need to reach a political solution in order to relieve the suffering of children in the Syrian Arab Republic.

Interventions by representatives of non-governmental organizations

39. Some representatives of NGOs denounced the indiscriminate attacks against civilian infrastructure, including schools and hospitals. They stressed that children remained most vulnerable to violence and that their human rights were being violated on a daily basis. The conflict affected children's rights to life, health, education and food. It was emphasized that malnutrition rates in 2017 had been the highest since the beginning of the conflict. Some representatives underlined the devastating consequences of the conflict on the mental health of children, noting that recovery from psychological trauma would be challenging.

40. Most NGO representatives expressed shock at the situation in Eastern Ghouta, noting that almost half of the besieged population were children. They called for immediate humanitarian access to besieged areas.

41. Two NGOs stated that "terrorist groups" were directly and indirectly responsible for attacks against civilians. Some NGO representatives called on parties to the conflict to comply with international humanitarian and human rights law. Some urged the international community to take all possible measures to put an end to the suffering of children in the Syrian Arab Republic and ensure the protection of their rights.

V. Comments and concluding remarks

42. During and after the interactive discussion, the moderator gave panellists the opportunity to respond to comments and to make concluding remarks. In response to the comments made by representatives of States and NGOs, the panellists emphasized that the paramount challenge was to find meaningful ways to safeguard children's rights in the Syrian Arab Republic. With regard to the implementation of Security Council resolution 2401 (2018), the panellists noted that 200 children had been killed since the resolution had been adopted and only one humanitarian convoy had been allowed into Eastern Ghouta, and that the most needed medical supplies had been removed from the convoy. It was noted that forced displacement, which had previously occurred in many other parts of the country, was happening in Eastern Ghouta.

43. The panellists emphasized that the failure of the international community was unacceptable and urged that it take prompt action to put an end to the atrocities.

44. One panellist recalled that the Government of the Syrian Arab Republic bore the primary responsibility for providing effective protection to its people. It was stressed that peace could not be achieved until there was accountability for the enforced disappearances, and that the Government should allow the Commission of Inquiry or the International Committee of the Red Cross to visit detention facilities.

45. The panellists reiterated their call for justice and accountability for crimes committed by all parties to the conflict, noting that the call was not rooted in revenge but aimed at seeking redress for violations of human rights.

46. The Regional Humanitarian Coordinator for the Syrian crisis stated there was no justification for attacks on children in the Syrian Arab Republic, and for people dying due to lack of medical care that was available just a few miles down the road. He stressed that the people of the Syrian Arab Republic needed peace and stability, and concluded that words were no longer sufficient; action should be the next move.

47. Closing the discussion, the moderator stated that after listening for two hours about the horrific violations of children's rights, there was a risk of becoming numb. She invited the participants to reflect on the following question: "What if these were your children, your son, or daughter raped, detained, starved to death, forcibly recruited to kill?" She observed that some victims might have been listening to the panel in Damascus, Idlib, Aleppo or Afrin. She hoped they had not just heard despair but had sensed some seeds of hope.